

**EXHIBIT C**

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

No. 2:18cv530

CSX TRANSPORTATION, INC.,  
individually and on behalf  
of NORFOLK & PORTSMOUTH BELT  
LINE RAILROAD COMPANY,  
Plaintiff,

V.

NORFOLK SOUTHERN RAILWAY COMPANY,  
et al.,  
Defendants.

## Defendants.

Remote Proceedings  
January 20, 2021  
10:17 a.m. - 5:32 p.m.

VIDEO DEPOSITION OF ANTHONY MACDONALD

(via Teleconference)

Taken before SUZANNE VITALE, R.P.R., F.P.R.

and Notary Public for the State of Florida at Large,  
pursuant to Notice of Taking Deposition filed in the  
above cause.

Job No. CS4380453

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Q. Okay.

A. So I answered a couple back with, it's a challenging thing with the ILA and the process. The NS's structure into the Norfolk International Terminal ran in a clockwise kind of loop. The cars rolled into the bottom of their operation to several storage tracks that the port would switch from to go into what they called the CRY, the central rail yard, inside the Norfolk International Terminal,

1           eight or ten tracks that they worked in the middle  
2           of that yard. And they would work them in a time  
3           fashion for -- the required departures for the NS's  
4           trains coming and going from that facility.

5           And when they were finished with those  
6           trains, they would pull them out of those tracks  
7           because those tracks were only about 1,200 feet  
8           long. So they have to assemble multiples of those  
9           tracks to run them up a straightaway track up the  
10          backside of the Norfolk International Terminal. And  
11          they had like 5,000 feet along that stretch to pull  
12          up and out what would be the northern end of Norfolk  
13          International Terminal close to the Navy base to  
14          pull out and come around what would be a big rail  
15          loop to come back out and catch the Norfolk Southern  
16          main.

17           Does that make sense?

18           Q.    Yep.

19           A.    All right. So on the top of this loop is  
20          where we, through the Belt Line, had access to reach  
21          into the place, not through the normal flow of  
22          operations for a clockwise structure.

23           We were seeking to do it through the  
24          backside of that. And there was, at that time, one  
25          additional storage track next to their main track in

1           that loop that we would stage cars in this plan to  
2           hold there, if at all possible, not impeding the  
3           traffic that the NS was running in and out of the  
4           Norfolk International Terminal to make this plan  
5           essentially work.

6           Q.     So because your traffic would be coming in  
7           the back gate, if you will, of NIT, you needed VIT  
8           to allow you to leave some cars there to allow this  
9           operation to work; is that right?

10          A.     You understand when I said those tracks  
11           were 1,200 feet long, if you're delivering -- let's  
12           call it five spine cars, 25 containers, would  
13           essentially be a couple of tracks. It's unlikely  
14           two tracks, 5,000 feet at most, inside the central  
15           rail yard at NIT -- you needed to wait for a time  
16           limit between midnight and 5 a.m. or whenever the  
17           time presented itself for the NS's cars to be out of  
18           those tracks and it was convenient and rational for  
19           the Virginia International Terminal guys to grab  
20           those cars and feed tracks and fill them up.

21          Q.     Does the rail layout inside the gate at  
22           NIT make it difficult for two railroads to operate  
23           within the terminal?

24          A.     The entire loop makes it difficult for two  
25           railroads to operate there and operationally,

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rationally so.

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